

10 October, 2018

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: GN Docket 17-258 (Promoting Investment in the 3550-3700 MHz Band)
RM-11788 and RM-11789 (Petitions for Rulemaking Regarding CBRS)
WC Docket 17-108 (Restoring Internet Freedom)

Ms. Dortch:

This letter is to advise you that on 10 October, at 11:00 AM Eastern Standard Time, I conversed with Will Adams of the office of Commissioner Brendan Carr by telephone, primarily regarding FCC-CIRC1810-02, the draft Report and Order in GN Docket 17-258 (Promoting Investment in the 3550-3700 MHz Band).

I explained to Will that the proposal to license CBRS spectrum by county would prevent my WISP – the world's first - from bidding on spectrum to serve areas which need my company's rural broadband service.

My WISP is located in Laramie, Wyoming, near the eastern edge of Albany County. (Confusingly, Laramie is located in Albany County, while Cheyenne – the largest city in the state – is located 45 miles away, across rough and mountainous terrain, in Laramie County.) Rural residents on the western edge of Laramie County, just across that boundary, are currently poorly served or entirely unserved and need our broadband service. However, because Laramie County is the most populous county in the state, and contains its largest city, it would be infeasible for our WISP to bid on the entire county merely to serve that area. It is likewise infeasible for ISPs serving Cheyenne to build out 45 miles, over that difficult terrain, to reach residents and businesses in that area from the east. What's more, the Laramie Range – the mountain range which runs near the border between the two counties – is dotted with wireless towers using every available channel of the 5 GHz unlicensed band, creating so much interference that we are unable to use it to reach that area. Therefore, auctioning CBRS spectrum by county would prevent us from using that spectrum to serve rural residents in need of broadband. As the 5 GHz spectrum fills, many other WISPs face similar situations.

Auctioning spectrum by county rather than by census tract would likewise make it completely infeasible for competitive providers to use it to serve urban areas. Densely populated areas such as Nassau County in New York would be beyond the reach of any small, competitive, or new provider's budget.

I noted that auctioning PALs (Priority Access Licenses) by county would give an insurmountable advantage to large cellular carriers such as Verizon, AT&T, T-Mobile, Sprint, and Union Cellular (a regional provider serving our area), and would also pit WISPs against one another by forcing them to compete for entire counties rather than focusing on the smaller areas that they served or desired to serve. I explained that every penny spent on a license whose price was artificially inflated by large auction areas, and by bidding against large corporations seeking to lock up spectrum to foreclose competition, was one that could not be spent on the vital tasks of serving unserved areas and bridging the digital divide.

I explained to Will that as the likely “swing vote” on this proceeding, his boss, Commissioner Carr, effectively held the fate of the WISP industry in his hands. CBRS, auctioned by census tracts, has the potential to allow WISPs – for the first time since I founded the first one 26 years ago – to rise from the level of “spectrum serfs” to having at least a small patch of ground of their own to till. I explained that adopting the proposed Report and Order would deprive us of spectrum we absolutely needed to provide the 25/3 service that has now been adopted as a benchmark by state governments (and, at least in part, by the Commission). This, plus the likely re-adoption of onerous so-called “network neutrality” regulations after a future change in partisan control of the White House, would be a one-two punch that could decimate our industry, leaving consumers captives of the large carriers.

In short, I explained, the proposal by Commissioner O'Reilly to “split the baby” by adopting licensing by county would – just as in the famous parable about the wise King Solomon – kill the baby. And WISPs, like the woman in the parable who had a mother's heart, are looking out only for their own interests but for the interests of everyone who needs broadband. It is therefore vital that Commissioner Carr grant a “yes” vote to the Report and Order only if it is modified so as to license some, and preferably all, licensed channels by census tract. Such action is, in fact, required by Section 706 (Codified as 47 USC 1302), which requires the Commission to encourage the timely deployment of broadband by promoting competition and removing barriers to infrastructure investment.

I am filing this letter electronically via the Commission's Electronic Comment Filing System in compliance with Section 1.1206(b)(2) of the Commission's rules.

Sincerely,

/s/

Laurence Brett ("Brett") Glass, d/b/a LARIAT
PO Box 383
Laramie, WY 82073
fcc@brettglass.com